



Sample TDR Interlocal Agreement Checklist

The following checklist is provided as a guide for what a county or city might consider for inclusion in an interlocal agreement between a county and a city to transfer development rights under the Regional TDR Alliance. This checklist is based on the Department of Commerce's template for an ordinance or resolution for adopting the provisions of the Interlocal Terms and Conditions Rule and other issues for consideration. The Interlocal Terms and Conditions Rule is on the [Commerce TDR web site](#).

Recitals

- ¶TDR as a tool to encourage preservation of farm and forest land while promoting higher density development in cities consistent with the GMA (Chapter 36.70A RCW).
- ¶State Legislature's affirmation of the regional TDR program in 2009 – Chapter 43.362 RCW.
- ¶Citation to county or city codes and policies to preserve working farm and forest land.
- ¶Authority to adopt interlocal agreements pursuant to RCW 39.34 and Article 11 of the Washington State Constitution.

Agreement Provisions

- ¶County Council/City Council supports TDR with citations to the GMA, Chapter 36.70A RCW, and the regional TDR program, Chapter 43.362 RCW.
- ¶Citation to adopted TDR policies and regulations (including TDR receiving areas for cities).
- ¶TDR sending site areas.
- ¶TDR transfer ratios in receiving areas.
- ¶Notification process by the city to the county regarding the use of TDR credits in permits (including use of TDR credits in a local infrastructure project area pursuant to ESSB 5253, 2011 Session, as codified in RCW).
- ¶Notification process by the county to the city of TDR credits certified in the TDR sending site areas.
- County enforcement of conservation easements in TDR sending site areas.
- Ongoing cooperative work between the city and county to improve the program.
- ¶Duration of the agreement.
- ¶Termination of the agreement.
- ¶Extension of the agreement.
- ¶Evaluation and monitoring of the TDR program.
- ¶Indemnification of the parties.
- ¶Administration of the agreement.
- ¶Severability clause.
- ¶No waiver clause.
- ¶No third party beneficiary clause.

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